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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,287	01/11/2002	Hideaki Hirano	1420/50851	4570

7590 06/14/2004
CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300

EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,287

Applicant(s)

HIRANO ET AL.

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 3, 14, 15, 16, and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims recite a second communication control unit and a fourth communication control unit that allows an operator of the map information update apparatus and a user of the map display control apparatus to conduct a voice conversation. There is only support for one such communication control unit.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 1, 4, 6, and 8 recite the limitation "the reproduced map". There is insufficient antecedent basis for this limitation in the claim.
4. Claims 2, 7, and 9 recite the limitation "the map". There is insufficient antecedent basis for this limitation in the claim.

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5. Claims 2, 7, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: How are the maps reproduced at the map information update unit using map display data for update? If the maps are being reproduced the update data shouldn't be used because a reproduction wouldn't include updated data. They should be reproduced first and then updated; otherwise the language doesn't make sense.

6. Claims 15, 16, and 17 recite the limitation "the information related to the map". There is insufficient antecedent basis for this limitation in the claim. It is not clear which set of information related to the map is being referred to.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 6, 7, 8, 10, 11 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith, US 2002/0067289.

3. As per claims 1, 4, 6, 7, and 8, Smith discloses a map display control apparatus, a map information update apparatus, the map display control apparatus comprises a map display control unit that control a display device so as to display a map on the

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display device based upon the map display data in paragraph 32; a communication control unit that connects with the map information update apparatus via a digital mobile telephone system to engage in exchange of digital data in paragraph 25; a map information transmission unit that transmits information related to the map currently displayed on the display device to the map information update apparatus via the communication control unit, the information related to the map being necessary to reproduce at the other control apparatus the map currently displayed on the display device in paragraph 32; a map information reception unit that receives information related to the map updated by the map information update apparatus from the map information update apparatus via the communication control unit in paragraph 32; the map display control unit being enabled to control the display device so as to update the map display on the display device based upon the updated information related to the map received at the map information reception unit in paragraph 32; the map information update apparatus comprises a communication control unit that connects with the map display control apparatus via the digital mobile telephone system to engage in exchange of digital data in paragraph 32; a map information update reception unit that receives information related to the map currently displayed on the display device from the map display control apparatus via the communication control unit, a map display update database unit that stores map display data for update related to the map display data utilized by the map display control apparatus, a map information update unit that updates the information related to the map by using the map display data for update related to the map display data utilized by the map display control

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apparatus, and an update map information transmission unit that transmits the information related to the map updated by the map information update unit to the map display control apparatus via the communication control unit in paragraph 32.

4. As per claims 10 and 11, it is inherent in Smith that there is a recording medium for storing the control program since the system is microprocessor based.

5. As per claim 18, Smith disclose a voice communication control unit that allows an operator of the other control apparatus and a user of the map display control apparatus to conduct a voice conversation in paragraph 26. On star had voice communication.

6. Claims 2, 7, 9, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ninagawa, 6075467.

7. As per claims 2, 7, and 9, Ninagawa disclose a communication control unit that connects via a digital mobile telephone system with a map display control apparatus, which controls a display device so as to display a map on the display device based upon map display data, to engage in exchange of digital data on lines 10-15, on column 6; a map information update reception unit that receives information related to the map currently displayed on the display device from the map display control apparatus via the communication control unit, the information related to the map being necessary to reproduce at the map information update apparatus the map currently displayed on the display device of the map display control apparatus on lines 1-45, on column 9; a map display update data base unit that stores map display data for update related to the map display data utilized by the map display control apparatus(26); a map information update unit that reproduces the map currently displayed on the display device of the

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map display control apparatus by using the received information related to the map and the map display data for update related to the map display data utilized by the map display control apparatus, and updates the map based upon the reproduced map on line 58, on column 7, through line 50, on column 8; and an updated map information transmission unit that transmits the information related to the map updated by the map information update unit to the map display control apparatus via the communication control unit (24).

8. As per claims 12 and 13, it is inherent in Ninagawa that there is a recording medium for storing the control program since the system is microprocessor based.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ninagawa, 6075467, in view of Smith, US 2002/0067289.

11. Ninagawa disclose the limitations as set forth above. Ninagawa does not disclose a voice communication control unit that allows an operator of the other control apparatus and a user of the map display control apparatus to conduct a voice conversation. Smith teaches of a voice communication control unit that allows an operator of the other control apparatus and a user of the map display control apparatus to conduct a voice conversation in paragraph 26. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to use the voice communication of Smith in the invention of Ninagawa because such modification would allow customer service in case of errors.

Allowable Subject Matter

12. Claims 3, 5, and 14-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

13. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose updating by an operator at the center system the map reproduced at the center system based upon a telephone conversation between a user of the navigation apparatus and the operator at the center system.

Response to Arguments

14. Applicant's arguments filed 3-3-04 have been fully considered but they are not persuasive. The argument that Smith doesn't transmit information necessary for the reproduction of the map at the other control apparatus is not convincing because the vehicle location is information necessary to reproduce the map. The claims don't require all the information necessary to reproduce the map and before the amendment never made it clear that the maps were reproduced at the other control apparatus.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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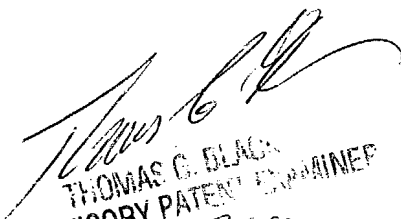
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 260